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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on September 15, 2009

Date of Meeting: April 21, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:36 p.m., on Tuesday, April 21, 2009, all members having been notified of the time and place thereof.

### **1. ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

**Present:**

Regina Romero  
Rodney Glassman  
Karin Uhlich  
Shirley C. Scott  
Nina J. Trasoff  
Robert E. Walkup

Vice Mayor, Council Member Ward 1  
Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 6  
Mayor

**Absent/Excused:**

Steve Leal

Council Member Ward 5

**Staff Members Present:**

Mike Letcher  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Bob Auberry, New Life Church, after which the Pledge of Allegiance was led by Council Member Scott in conjunction with the University of Arizona Color Guard.

Presentations:

- a. Mayor Walkup proclaimed the month of April 2009 to be the “Month of the Young Child.” Diana Hill, President of the Southern Arizona Association for the Education of Young Children, accepted the proclamation. Mayor Walkup also accepted a picture from a young artist named Colby, created as part of the Cottonwood Enrichment Center celebration of “Month of the Young Child.”

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager’s communication number 206, dated April 21, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Glassman thanked the Mayor, City Attorney, City staff, members of Old Pueblo Credit Union, Comcast Communications, Bob McMahon of Metro Restaurants, and everyone else who participated in the Susan G. Komen Race for the Cure on April 18, 2009.

Council Member Glassman also announced Ward 2 would host a Small Business Town Hall on April 24, 2009, at the Eastside City Hall. Lunch would be provided by Chick-Fil-A at El Con Mall, after which Albert Elias, Department of Urban Planning and Design Director; Ernie Duarte, Development Services Department Director; and Mark Neihart, Procurement Department Director, would answer questions and provide assistance to those doing business with, and in, the City of Tucson.

- b. Council Member Uhlich praised Development Services Department staff for issuing the first off-the-grid solar-powered sign permit in March. The sign was provided by Sign-A-Rama for client Integra Real Estate Group at 501 West Grant Road. She said the use of solar power simplified the permit, installation, and inspection processes and would reduce operating costs.
- c. Council Member Scott announced Cox Communications, Ward 4, and Parks and Recreation would host a free movie, complete with popcorn and water, on May 2, 2009, at the Children’s Outdoor Performance Area at Lincoln Park. She invited families to bring blankets or chairs to watch “Journey to the Center of the Earth.” She said donations for the Community Food Bank would be welcomed.

- d. Council Member Trasoff congratulated Council Member Scott on the beautiful job everyone did on the Children's Outdoor Performance Area. She also congratulated the Rincon Heights Neighborhood Association on plans they worked on for so many years to calm traffic along Ninth and Tenth Streets. Additionally, a group from the Association came out and did some planting. She said it was terrific what people could do, even simple things, to change the sense and feel of their neighborhoods.

Council Member Trasoff also mentioned a weekly event called the Triple M, or Meet Me at Maynards. People met every Monday evening at Maynards in the Old Depot on Toole Avenue to walk or run a three-mile course through downtown. She said it was a wonderful way to see the new businesses and changes taking place downtown.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 207, dated April 21, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, reported he, Richard Miranda, Assistant City Manager, and Marie Nemerguth, Deputy Budget Director, would be holding meetings with stockholder groups regarding the budget and he wanted to personally invite the Mayor and Council staff to attend.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 208, dated April 21, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Applications

New License(s)

1. Sahara Tobacco Smoke Shop, Ward 3  
3415 N. 1st Ave.  
Applicant: Munir Ghaleb Hassan  
Series 10, City 11-09  
Action must be taken by: April 27, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion:          Written Arguments Opposed Filed

This item was considered separately.

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer(s)

2. Asylum, Ward 6  
121 E. Congress St.  
Applicant: Kevin Arnold Kramber  
Series 6, City 13-09  
Action must be taken by: April 27, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant’s capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer (s)

3. Rax, Ward 4  
2560 S. Kolb Rd.  
Applicant: Davis Carl Ryle  
Series 6, City 12-09  
Action must be taken by: April 26, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant’s capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Tucson Kitchen Musicians Assoc., Ward 1  
160 W. Alameda St.  
Applicant: Susan Marie Liechti  
City T28-09  
Date of Event: May 2, 2009 - May 3, 2009  
(Tucson Folk Festival)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Kitchen Musicians Assoc., Ward 1  
140 N. Main Ave.  
Applicant: Susan Marie Liechti  
City T29-09  
Date of Event: May 2, 2009 - May 3, 2009  
(Tucson Folk Festival)

Staff has indicated the applicant is in compliance with city requirements.

3. Tucson's Young Professionals, Inc., Ward 1  
140 N. Main Ave.  
Applicant: Megan Leslee Courtney  
City T31-09  
Date of Event: May 1, 2009  
(To promote community event in downtown Tucson)

Staff has indicated the applicant is in compliance with city requirements.

4. Downtown Tucson Partnership, Ward 6  
110 S. Church Ave.  
Applicant: Brandi Renee Haga  
City T32-09  
Date of Event: May 1, 2009 - May 2, 2009  
(To create a festive spirit of community & promote downtown)

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion:            Written Argument Opposed Filed

This item was considered separately.

5. Satori, Inc., Ward 3  
3727 N. 1st Ave.  
Applicant: Phyllis L. Gold  
City T33-09  
Date of Event: May 2, 2009  
(Annual fundraiser silent & live auction)

Staff has indicated the applicant is in compliance with city requirements.

6. St. Cyril of Alexandria School, Ward 6  
4725 E. Pima St.  
Applicant: Elizabeth W. Naughton  
City T37-09  
Date of Event: April 25, 2009  
(School fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. Sushi Cho, Ward 5  
1830 E. Broadway Blvd.  
Applicant: Nguu Du  
Series 7, City AC2-09  
Action must be taken by: April 27, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to forward liquor license applications 5b2, 5b3, 5c1, 5c2, 5c3, 5c5, 5c6 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

**5. LIQUOR LICENSE APPLICATIONS**

b. Liquor License Applications

New License(s)

1. Sahara Tobacco Smoke Shop, Ward 3  
3415 N. 1st Ave.  
Applicant: Munir Ghaleb Hassan  
Series 10, City 11-09  
Action must be taken by: April 27, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion:          Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the first application to be considered separately was item 5b1, Sahara Tobacco Smoke Shop located in Ward 3.

Council Member Uhlich asked the representative of the Sahara Tabacco Smoke Shop to come forward.

Munir Ghaleb Hassan, applicant, introduced himself.

Thomas Aguilera, of the Aguilera Law Group, speaking for the applicant, said Mr. Hassan was the agent of the license and the owner of the convenience market and smoke shop.

Mr. Aguilera said most people present knew him because he had been appearing before Mayor and Council for well over a decade. He said Council Member Leal, one of his good friends, had often sought to advise Mr. Aguilera about what he thought of his clients' applications over the years. For those who did not know Mr. Aguilera, he stated what he did the previous time he was before Council was atypical of him, which was to leave before Vice Mayor Romero made her motion. He said he sensed it gave the appearance of disrespect to the Council. He stated his frustration had not been with the Council, but with the neighborhood association with which he had worked closely. He offered his apologies to the Council if his actions appeared disrespectful. He explained the Mayor and Council were a tribunal and, at the University of Arizona Law School, he was taught about decorum to the tribunal. He confirmed he wanted to continue that decorum before the body as he had for many years.

Mr. Aguilera said he was present because Mr. Hassan moved to Tucson from Louisiana at the behest and call of a local liquor license broker who said there was a great location on First Avenue and told him a license had just been issued for Prince Market in the same area. Mr. Aguilera said Mr. Hassan's background was in convenience markets in Louisiana. There, it was a different situation, as Louisiana no longer issued licenses for anything but beer and wine. He also mentioned Mr. Hassan had not yet moved his family to Tucson and they were still busy working at their convenience store in Louisiana.

Mr. Aguilera said he would be candid. When he met with Mr. Hassan, it was after he had leased the premises. He noticed there was no Certificate of Occupancy, which was pretty typical, even though the Council had passed an ordinance that forced landlords to tell commercial tenants whether or not there was a Certificate of Occupancy for their particular purpose. Mr. Hassan's landlord elected not to do that. The good news was they worked with the Development Services Department, brought the property up to code and got a Certificate of Occupancy. Mr. Aguilera stated he was still a bit anxious and cautious about a smoke shop getting a Series 10 license, but the broker again assured him that Prince Market had just gotten a license, so he drove over to that location and found it was true. He looked up the background on the Prince Market license and found that when it went before Mayor and Council, it was forwarded to the State Liquor Board with no recommendation. A hearing was held at the State level and a license was approved.

Mr. Aguilera said he would not ask the Council for no recommendation. He had never done that; he always asked for an approval and he would be asking for an approval for this application. Mr. Hassan worked closely with the landlord making many improvements, and he hoped Council Member Uhlich or her staff was able to go out and look at it. He said the small business had a lot of convenience foods, dry goods like toilet paper and sundry items, along with food items, and Mr. Hassan had many qualifications in this area. He said Mr. Hassan came to Arizona to expand and he was taking that opportunity to ask the Council to approve the license. He mentioned that as a default position, he would ask the Council not to forget the option of making no recommendation. He stated that Mr. Hassan was available for questions.

Council Member Uhlich thanked Mr. Hassan for being at the meeting and wished him every success in his business. She said they had received three written statements of opposition filed on March 22, March 24, and March 30, 2009. She did not see anyone present who had filed the letters, but said she was challenged to support the license for one critical reason. She stated saturation was always something to consider, and although the letters of opposition were filed in March, unfortunately the timing of contact with her office was only very recent and did not allow time to ensure a connection between the neighborhood association and the applicant. Also, she said the neighborhood was a newly-designated Weed and Seed area and was working very hard to identify issues and work with business partners. She said she regretted that the opportunity to meet with the neighborhood did not come to pass. She confirmed her office checked the records. She explained they e-mailed phone messages left for staff in order have written records, so calls were logged. She said she did not know why the contact was delayed to that point but it did not offer them the opportunity to open that communication.

Mr. Augilera said he would like to addresses that briefly. He said he placed a call to Tamara Prime at the Ward 3 Office on the day he visited Prince Market, to find out the history on that location, and left a voice message. He said he did not get a call back and, later on, called the office again. He mentioned he frequently called the Ward 3 Office about liquor license matters, and he went to the neighborhood associations quite often. He hoped Council Member Uhlich recognized that he and Mr. Hassan had made an effort. He was not sure why the communication did not happen.

Council Member Uhlich said they could strive to make sure that connection was made much sooner in the future, because obviously there needed to be time allowed for that communication. She said if they could, they would allow for a week to be taken at that time. However, she saw that action on this application needed to be taken by April 27, 2009, so she would move that Council forward the application to the State Liquor Board with a recommendation for denial.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused) to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for denial.



## 5. LIQUOR LICENSE APPLICATIONS

### c. Special Event(s)

4. Downtown Tucson Partnership, Ward 6  
110 S. Church Ave.  
Applicant: Brandi Renee Haga  
City T32-09  
Date of Event: May 1, 2009 - May 2, 2009  
(To create a festive spirit of community & promote downtown)

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion:            Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the final application to be considered separately was 5c4, Downtown Tucson Partnership, located in Ward 6.

Council Member Trasoff said this was a special event license for the Harley Owners Group (HOG) Rally which drew hundreds, if not thousands, of people downtown. She said it was a fabulous and fun event, but the issue was whether there should be a liquor license granted in that particular area. She confirmed there was one protest and asked if the representative from Ascolese Italian Restaurant, the restaurant in the area that had raised a concern, was present.

No one came forward.

Council Member Trasoff then asked Brandi Haga, the applicant, if she would like to briefly explain the event.

Brandi Haga, applicant, asked if she could defer to Huna Hammond for the explanation.

Council Member Trasoff answered affirmatively.

Huna Hammond, the Event Coordinator, explained the application was for a statewide Harley Owners Group Club event. He said they petitioned several years ago to bring the event to downtown Tucson both for the purpose of updating Tucson as a venue for future events and also to bring people from Tucson into downtown. It had been a very successful event, and a lot of people showed up; how many thousand was up for debate, but it was more than one and less than ten. He said he thought it had been a great event for businesses. They honed the event down to the Tucson Convention Center inner courtyard because it was the best for traffic obstructions, the best for the HOG group themselves, and it seemed to bring people towards those businesses. He was surprised to see Ascolese restaurant complain because they already had a sitting reservation for fifty people on Saturday night. He said the letter claimed that by having the event there,

Ascolese felt it would deter their regular clientele, which would be surprising, as the restaurant was located on the periphery.

Mr. Hammond explained selling liquor, which was always part of the event, was how it was funded, as they did not have the budget otherwise. They had a stage for live music, and people could sit in a small beer garden area and have a couple of beers while they enjoyed the music. He said it was his experience that the participants then sought restaurants after the concert because food venues at the event were very limited. They had a hot dog vendor and maybe barbecue on a bun, all finger foods. He said the demographics of the HOG rally were people who spent money. They were professionals who liked to wear leather for three days once a year and party in another town. He said they actually tried to reach Mr. Ascolese to discuss this with him, because they would be happy to promote his restaurant with a flyer in the event bags. He also said the local HOG chapter already had one or two events a year at the restaurant, which were separate from the rally.

Council Member Trasoff thanked Mr. Hammond. She said she appreciated Ascolese's concern; it was a business downtown and business was rough everywhere at that time. She said she believed, between the HOG Rally and the Tucson Folk Festival taking place the same weekend, there should be a lot of people downtown and she was hopeful that it would be positive. She said she hoped the rally sponsors would still put the flyer in the event bags to help promote the restaurant.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to forward special event liquor license application 5c4 to the Arizona State Liquor Board with a recommendation for approval.

## **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Reverend Bishop Chicago encouraged everyone in the community to make it a priority to get crack cocaine off the streets.
- b. Rob Blizzard expressed his opinion on remarks made by a Council Member to the media regarding Mike Hein, former City Manager, after he was terminated.
- c. James King, Environmental Services Department employee and American Federation of State, County and Municipal Employees (AFSCME) member, asked the Mayor and Council to reconsider furlough days.
- d. Cheryl Byrd, City resident and City of Tucson employee, spoke about the budget and the burden placed on City employees.

- e. Benny Nunez, City of Tucson employee and AFSCME member, expressed concerns regarding furloughs and the effect on services and salaries.
- f. Rebecca Roupp, Department of Urban Planning and Design employee, asked Mayor and Council to acknowledge the work done by the Department and those who would be displaced by dissolving it.
- g. Daniel Pfeifer, City of Tucson employee, spoke about Tucson Water and his disappointment with management, Human Resources, and labor unions. He also asked Mayor and Council to reconsider limits for employee donations of sick leave and vacation leave.
- h. Joe Sweeney spoke about the 287(g) program, which related to immigration laws.
- i. Richard DeBernardis updated Mayor and Council on the cycling community and other health and economic impacts in the city, including El Tour de Tucson and the Tour of the Tucson Mountains.
- j. Elizabeth Davison, Landscape Advisory Committee, asked for an amendment to Item 10 on the agenda regarding the reorganization of three City departments. She requested that the title of Urban Landscape Manager be retained.
- k. John Kromko suggested Mayor and Council consider cutting employee salaries, so those making over one hundred thousand dollars a year would take a higher percentage cut than those making only thirty thousand dollars, to help balance the budget.
- l. Ron Stoltz, Landscape Advisory Committee, commented on the loss of the Department of Urban Planning and Design and requested retention of the position of Urban Landscape Manager.

**7. CONSENT AGENDA – ITEMS A THROUGH G**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

**A. ASSURANCE AGREEMENT AND FINAL PLAT: (S06-050) LAS NUBES, LOTS 1 TO 14 AND COMMON AREAS “A” TO “D”**

1. Report from City Manager APR21-09-210 WARD 1
2. Resolution No. 21268 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in Case No. S06-050 and approving the final plat for Las Nubes Lots 1 through 14 and Common Areas “A” through “D”; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**B. APPROVAL OF MINUTES**

1. Report from City Manager APR21-09-213 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on February 24, 2009.

**C. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-110) BUSINESS PARK OF THE DESERT, PHASE I CONDOMINIUMS, UNITS 1 TO 20, BLOCKS 1 TO 3, COMMON ELEMENTS “A” AND “B” AND LIMITED COMMON ELEMENTS “C-1” TO “C-20”**

1. Report from City Manager APR21-09-214 WARD 5
2. Resolution No. 21269 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-110 and approving the final plat for Business Park of the Desert Phase I Condominiums, Units 1 through 20, Blocks 1, 2, & 3, Common Elements “A” and “B” and Limited Common Elements “C-1” through “C-20”; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- D. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR OFFICER STEVE SMITH
1. Report from City Manager APR21-09-215 CITY-WIDE
  2. Approval of Officer Smith's request for the first one-year extension of five potential extensions in accordance with Tucson City Code Section 10-15 is recommended.
- E. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR A FEDERAL TRANSIT ADMINISTRATION GRANT
1. Report from City Manager APR21-09-216 OUTSIDE CITY
  2. Resolution No. 21270 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement/Grant Agreement between the City of Tucson and the Town of Marana so that Marana may receive Federal Transit Administration (FTA) grant funds from FTA Grant AZ-37-X009-00 to purchase one (1) ADA compliant vehicle and for operating expenses of the Marana Commuter Express; and declaring an emergency.
- F. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-123) THE VILLAS AT STARR PASS (RCP), LOTS 1 TO 42 AND COMMON AREAS "A" TO "E"
1. Report from City Manager APR21-09-211 WARD 1
  2. Resolution No. 21271 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S07-123 and approving the final plat for the Villas at Starr Pass, Lots 1 through 42 and Common Areas "A" through "E", a Residential Cluster Project; and declaring an emergency.
  3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO THE MANDATORY RETIREMENT AGE FOR COMMISSIONED FIRE PERSONNEL
1. Report from City Manager APR21-09-212 CITY-WIDE
  2. Ordinance No. 10653 relating to Civil Service; amending the Tucson Code, Chapter 10, Civil Service-Human Resources, Article I, In General, Section 10-15, Retirement Ages; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through G be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through G were declared passed and adopted by a roll call vote of 6 to 0.

**8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 15) TO ALLOW WASTE DISPOSAL AGREEMENTS**

Mayor Walkup announced City Manager's communication number 218, dated April 21, 2009, was received into and made a part of the record. He also announced it was the time and place legally advertised for a public hearing on a proposed amendment to Chapter 15 of the Tucson Code to allow waste disposal agreements for the Los Reales Landfill and setting associated fees. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item. There was no one.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10654 by number and title only.

Ordinance No. 10654 relating to environmental services; adding new Section 15.34.8 to Chapter 15 of The Tucson Code; giving the Director of Environmental Services authority to enter into disposal services contracts; establishing an effective date; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to pass and adopt Ordinance 10654.

**9. PUBLIC HEARING: *ESTATES AT STARR PASS ANNEXATION DISTRICT***

Mayor Walkup announced City Manager's communication number 217, dated April 21, 2009, was received into and made a part of the record. He also announced it was the time and place legally advertised for a public hearing for the proposed *Estates at Starr Pass Annexation District*. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item.

Dorothy Leonard and Dave Weishaar, representing the Homeowners' Association for Estates at Starr Pass, said they were very much in favor of the annexation and would be glad to answer any questions. Ms. Leonard said their only concern was they heard two of the staunch advocates and people who did all the preparatory work, Mary Parker and Larry Cummings of the Department of Urban Planning and Design, were losing their jobs.

Mayor Walkup said he was unable to comment on that.

Ms. Leonard said she would hate to think after two years of hard work that momentum would be lost, and asked the Council if they could be given some assurances.

Mayor Walkup commented they would see what would happen and asked for a motion.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to close the public hearing.

Vice Mayor Romero apologized for not being able to comment on some of Ms. Leonard's concerns, but did assure her they were moving forward with annexation of the district.

(Ms. Leonard spoke inaudibly.)

Vice Mayor Romero said Council would have to vote on it, but she and staff recommended they move forward with the annexation primarily because the district was without fire protection. She stated staff was very informative, as the district would be annexed into Ward 1, and she knew many public meetings were held in the area. She said both police and fire were very comfortable with annexing their district.

It was moved by Vice Mayor Romero, duly seconded, to direct staff to proceed with the *Estates at Starr Pass Annexation District*.

Mayor Walkup asked if there was further discussion. Hearing none he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to direct staff to proceed with the *Estates at Starr Pass Annexation District* was declared passed by a roll call vote of 6 to 0.

**10. TUCSON CODE: AMENDING (CHAPTERS 10B, 11B AND 23A) REORGANIZING THE COMMUNITY SERVICES, URBAN PLANNING AND DESIGN, AND DEVELOPMENT SERVICES DEPARTMENTS (CONTINUED FROM THE MEETING OF APRIL 14, 2009)**

Mayor Walkup announced City Manager's communication number 219, dated April 21, 2009, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10655 and Ordinance 10656 by number and title only.

Roger W. Randolph, City Clerk, announced that before he read the ordinances into the record, the City Attorney would announce a correction to the ordinances.

Michael Rankin, City Attorney, announced that both ordinances would be corrected to remove the emergency clause and insert language establishing an effective date of July 1, 2009.

Ordinance No. 10655 relating to Planning and Development Services; creating the Planning and Development Services Department; providing for a Director of the department; establishing powers, duties, purposes and functions of the department; and reconciling other references in the Tucson Code; by amending the Tucson Code Chapter 11B; and setting an effective date of July 1, 2009.

Vice Mayor Romero recognized Ernie Duarte, Development Services Department Director and Albert Elias, Department of Urban Planning and Design Director, for running their departments with great integrity and she thanked them for giving so much of themselves to public service. She said she would make a motion, but wanted to open it up for her colleagues to discuss.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Ordinance 10655, as amended.

Mayor Walkup asked if there was any discussion.



Council Member Scott said she wanted to follow up on the question of the Urban Landscape Manager and asked Mr. Rankin to address that.

Mr. Rankin said Council could accommodate the request, and retain the Urban Landscape Manager working title for that position, without amending the ordinance. The ordinance did not go into that level of detail in terms of the working titles of the individuals affected by the reorganization. He said if the City Manager so chose, the title of Urban Landscaping Manager would be retained to that position even when it was reorganized into OCSD (Office of Conservation and Sustainable Development).

Council Member Scott asked if the director of the department, which had this particular position, was agreeable to maintaining that position and whether that was necessary.

Mike Letcher, City Manager, responded that he had spoken to the director that day, and she was agreeable. He said they would definitely retain the position and, also as previously indicated to the Council, the Landscape Advisory Committee would be working with that department and would continue to work with the City's Urban Landscaper.

Council Member Scott asked if the current work of that position would remain the same, or would there be new direction from the new supervisor as to corrected direction or change to the job.

Mr. Letcher said, unless the request came through his office, there would be no change in direction.

Council Member Scott said they wanted to clarify that because there was quite an interest on the part of the Landscape Advisory Committee and others in the community, and apparently the City was on board with that request.

Mayor Walkup asked if there was further discussion.

Council Member Uhlich expressed her appreciation of the department directors, management and staff of the departments involved, as it was clearly one of the more difficult decisions they were facing. She said she thought it was important that in consolidating four departments into two, they were able to eliminate two department director positions, which were typically highly compensated positions and they were doing their best to identify current core services provided and see that those continue. She said their hope was that staff facing the end of their positions would find an opportunity to be reassigned to vacant positions as they became available. She said given the circumstances she thought the reorganization was an option they needed to face and move forward with.

Council Member Glassman said he wanted to personally thank Ron Stoltz of the Landscape Advisory Committee, who expressed how important the landscape position was and its work with the Committee. He also thanked Joan Lionetti, a member of the Landscape Advisory Committee and Tucson Clean and Beautiful, for contacting his office and speaking about it as well.

Council Member Trasoff said she liked the consolidation. She said she thought the division of functions was going to work very well and it seemed to make a lot of sense. She stated she had great admiration for the people who had been doing those jobs and she thought the reorganization would help everyone. She said she would like to have considered, if the ordinance passed, that they work on the titles. People brought up valid points about the image of the title; even though there was a working title, such as project manager, there was a functional title. She said it was important that people knew that was there. She thought it was confusing to have Historic Preservation, Long Range and Neighborhood Planning, and the new City Planning Director in the Housing and Community Development Department, and then to have Rezoning, Land Use Revisions, and Development Review in the Planning and Development Services Department. She said she received many phone calls asking where Planning was going; people thought there would be no more Planning Department. She said, separate from the motion, perhaps a few weeks later, she would ask if staff could return with names that more accurately reflected the functions of the Departments so people knew what they were dealing with. She said she knew that was not the substance they were dealing with, but said it was important for people to know where they were going and what they were dealing with. She said she would appreciate that.

Mr. Letcher responded affirmatively to Council Member Trasoff's request.

Mayor Walkup complemented the lobbyist for putting together a well thought out plan to get the Urban Landscape Manager position secured. He said that individual was well regarded by many people in the community.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10655, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10656 by number and title only.

Ordinance No. 10656 relating to City Government; renaming the Community Services Department as the Housing and Community Development Department; expanding the purposes and functions of the department to include certain planning functions; and eliminating the Department of Urban Planning and Design; by amending the Tucson Code Chapter 10B; and setting an effective date of July 1, 2009.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Ordinance 10656, as amended.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10656, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

## **11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 209, dated April 21, 2009, was received into and made a part of the record. He asked if there were any personal appointments to be made.

No personal appointments were made.

**12. ADJOURNMENT: 7:00 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 28, 2009, at 5:30 p.m., in the Meeting Rooms at the Tucson Convention Center, 260 South Church Avenue, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 21st day of April 2009, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:jr:mz